Translation





PCT

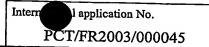
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B0106WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)								
International application No.	International filing date (day/month/y	rear) Priority date (day/month/year)							
PCT/FR2003/000045	09 janvier 2003 (09.01.200)	3) 10 janvier 2002 (10.01.2002)							
International Patent Classification (IPC) or national classification and IPC G02B 21/26									
Applicant TROPHOS									
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 									
2. This REPORT consists of a total of 5 sheets, including this cover sheet.									
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).									
These annexes consist of a total of sheets.									
3. This report contains indications relat	ing to the following items:								
I Basis of the report									
II Priority		·							
III Non-establishment	of opinion with regard to novelty, inve	entive step and industrial applicability							
IV Lack of unity of in									
V Reasoned statement citations and explain	Reasoned statement under Article 25(2) with record to nevelty investigation of the state of the								
VI Certain documents cited									
VII Certain defects in t	ne international application								
VIII Certain observations on the international application									
Date of submission of the demand	Date of compl	etion of this report							
01 août 2003 (01.08.20	003)	13 May 2004 (13.05.2004)							
Name and mailing address of the IPEA/EP	Authorized off	Authorized officer							
Facsimile No.	Telephone No.	Telephone No.							

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMARY EXAMINATION REPORT



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nder Arti	rt has been drawn cle 14 are referred to	on the basis of in this report	f (Replacement shee as "originally filed'	ts which have been furnished to the receiving Office in response to an invitati and are not annexed to the report since they do not contain amendments.):
\boxtimes	the internationa	I application a	s originally filed.	
	the description,	pages	1-17	_, as originally filed,
		pages		_, filed with the demand,
		pages		_, filed with the letter of
		pages		, filed with the letter of
	the claims,	Nos	1-14	_ , as originally filed,
				, as amended under Article 19,
		Nos.		_, filed with the demand,
		Nos.		, filed with the letter of
				, filed with the letter of
	the drawings,	sheets/fig	1/4-4/4	, as originally filed,
		sheets/fig		, filed with the demand,
		sheets/fig		, filed with the letter of
				, filed with the letter of
e amend	ments have resulte			
	the description,	pages		
		Nos		
	the drawings,	sheets/fig		
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	report has been est beyond the disclo- observations, if nec		(some of) the ame s indicated in the	endments had not been made, since they have been considered Supplemental Box (Rule 70.2(c)).
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INTERNATIONAL PRELIVENARY EXAMINATION REPORT

application No.
03/00045

v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1.	Statement						
	Novelty (N)	Claims	1-14	YES			
		Claims		NO			
	Inventive step (IS)	Claims		YES			
		Claims	1-14	NO			
	Industrial applicability (IA)	Claims	1-14	YES			
		Claims		NO			

- 2. Citations and explanations
 - 1. Reference is made to the following document:

D1: US-A-3 652 146.

- 2. Document D1 discloses a device for positioning a plate including one or more samples (24) on an observation or analysis device (microscope) comprising a lens for observing or analysing at least part of a sample along an observation axis extending from an observation surface of the plate, and a framework (18) provided with a plate-supporting assembly having the following features:
 - a first frame (20) slidingly movable in a plane perpendicular to the observation axis (column 2, lines 39-45);
 - a second frame (32) mounted on said first frame (20) and slidingly movable in said plane perpendicular to the observation axis (column 2, lines 29-38), said first and second frames (20, 32) each being movable in a direction perpendicular to the direction of movement of the other frame (see figure 2); and

a third frame (30) mounted on said second frame
(32) by means for retaining said third frame
(30), said means securing said third frame in the
plane perpendicular to the observation axis while
allowing movement of said third frame essentially
along the observation axis.

It follows that the only difference between the positioning device specified in claim 1 and the one known from D1 is that said third frame is provided with means for securing the plate. Such means for securing a plate, comprising a sample, inside a microscope are very commonly used and, as a result, the present application does not fulfil the requirement set forth in PCT Article 33(3) because the subject matter of claim 1 does not involve an inventive step (PCT Rule 65.1 and 65.2).

3. Dependent claims 2-14 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and/or inventive step for the following reasons:

The features defined in these claims merely consist of options from a plurality of obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.